Previous references.

~~190~~ 1894-5
(Courts)

File No. 40 of 1894-5
Serial Nos. 1—2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Major Part B. for April 1895.

SUBJECT.

Rules, regulating the travelling allowances to railway officials attending Courts as witnesses

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1. From the Registrar of the Chief Court of Mysore
Dy. No: 7572/768 no: 3036/120 of 7/12/94.

Suggests to issue rules regulating the payment of travelling allowance and batta to railway officials attending Courts as witnesses

2. To the Registrar of the Chief Court of Mysore
no: 16350/1002 of 1/4/95.

G. R. S. 58

Observes that each claim may be specially dealt with

Concerned Indexed B. Venkatasubbiah

(2)

Note.

A servant of the Madras Railway Company (Station master) was summoned to give evidence in a criminal case tried by the Gold Fields' Magistrate. The nature of the case and whether it was on behalf of the Company or of a private party are not clear from the papers now received. The Agent Traffic Manager following the rules in Madras submitted a bill for the pay and travelling allowance of the Station master for the period he was absent in the Magistrate's and it was sanctioned as a special case by the Chief Court. As similar cases may occur in future, the Chief Court suggests to the framing of a set of rules to meet them, and submit a copy of the rules for adoption in form in Madras either in their entirety or with such modifications as may be thought fit by

by Government. The rules in force here allow discretion to the Magistrates to pay batta in criminal cases where such payment may be deemed necessary.

9/2/95.

9/2/95.

To, The 1st Counsellor.

25.3.95

?

(General Serial No. 30). 75-92

189 1768

From

The Registrar of the

Chief Court of Mysore.

SECTION 65

FILE No. 40 of 1894-5

SERIAL No. 1.

The Chief Secretary

to the Dewan of Mysore.

Dated 7th

Despatched 10th December 1894.

Received

Enclosures No. 2

General No. 3036

No. 120.

Forwards copy of proceedings of this Court No. 2905/837 dt 28-11-94 and suggests the desirability of issuing Rules similar to those in force in the Madras Presidency, regulating the payment of the travelling allowance and batta to Railway officials attending Courts as witnesses.

Central Jail Press, Bangalore.—25-4-94.—500.

(1) 2

Bangalore 7th December 1894.

From,

The Registrar of the
Chief Court of Mysore.

To,

The Chief Secretary
to the Dewan of Mysore.

Sir,

I am directed to forward for the information of Government, copy of Proceedings of this Court No. 2905/837 dated the 28th November 1894, and, with reference to the concluding para thereof, to suggest the desirability of issuing Rules similar to those in force in the Madras Presidency, regulating the payment of travelling allowance and batta to Railway Officials attending Courts as witnesses.

I

3

A copy of the Madras Rules-Government Order No: 997 R. dated 14th September 1889 is hereunto forwarded.

I have the honor to be,

Sir,

Your most obedient Servant,

Illegible

Dy. Registrar

doing duty as Registrar.

Enc

enclosure No 1. 1 6

No. 2905/837

Proceedings of the Chief Court of Mysore.

Bangalore dated 28th November 1894.

Read:

Correspondence ending with Kolar District Magistrate's letter No. 1536/989 dated 24th October 1894

The Station Master of Bilagha Station on the Madras Railway, was summoned to give his evidence as a witness before the Special Magistrate of Kolar Gold Fields, in a Criminal case. Subsequently the Assistant Traffic Manager at Jolarpet forwarded to the Special Magistrate's Court a bill for Rs. 1/14 towards his batta and travelling allowance. The Special Magistrate submitted the Bill to

the

the District Magistrate, Kolar, for orders. The District Magistrate submitted the whole correspondence to the Chief Court, and requested to be informed if the amount charged in the Bill may be paid, under the authority of the Madras Government Order No. 997 R dated 14th September 1889.

2. As the witness is an employé of the Madras Railway Company and claims batta and travelling allowance under the Rules in force in this Department, the amount claimed may be paid as a special case.

3. Government will be addressed as to the desirability of adopting Rules similar to those issued in

Madras

Madras Government Order No 997 R
dated 14 September 1887.

By order
Sd. V. A. Rajarattina Mudr.
Dy Registrar doing duty
as Registrar.

Copy
Illegible
Dy Registrar
doing duty as Registrar

(1/6) 17

Madras Railway.

Circular No. 666
C. 23,901

Traffic Managers office,
Madras, 13th July, 1891.

Rules for regulating the payment of Batta and Travelling allowances to witnesses while attending Courts.

(Authorized by Government order No. 997 R., dated 14th September 1889).

Enclosure to Sl. 1.

Rules

(a) Company's servants attending Court as witnesses on behalf of the Company will be allowed their salaries in all cases, and also batta, in accordance with the ordinary batta rules in force, except in Criminal cases.

2. Company's servants attending Court as witnesses (including complainants) in Criminal Cases will be paid batta and travelling allowances by the Court in accordance with, and at

the

the rates specified in, Government orders, No. 999, dated 27th June 1873; No. 2065, dated 29th August 1877; and No. 1909, dated 8th September 1888, appended. In cases tried by petty Courts where the Magistrate is not empowered to pay the batta and travelling allowances at once, a bill in the subjoined form must be made out and submitted to the Magistrate for signature and acceptance. If accepted, a duplicate copy of it may then be forwarded to the head of the department, who is authorized to pass it for payment as an advance, the money when received from the Court being, of course, paid in by the recipient to the Company.

3. In criminal cases not connected with the Company, but where the public good is concerned, Railway employés, when summoned as witnesses, may be paid their salaries, but

should

should themselves recover from the Court the batta due. When summoned in private cases or in civil suits, Railway employés will not be paid their salaries, but must themselves recover from the persons by whom their evidence is required, the amount of their salaries together with their batta expenses.

Madras Railway.

Bill for expense of witness attending the Court of
on the day of 189 to give evidence on behalf of the Company in the prosecution of
charged with home, grade and number of witness.

Class subsistence allowance day at per day — — Rs: — a. — p.

Carriage-hire from to
miles at
per mile —

Carriage-hire from to
miles at
per mile —

Railway

10

Rs. a. p

Railway fare from to
class - - - - - - - -

Total _____

I certify that I submitted a bill in these terms to the and that the same was accepted and countersigned by him.

(Signature)

Passed for payment.

(Signature)

Date.

Department.

(Extract from G. O., No. 999, dated 27th June 1873, and G. O., No. 2065, dated 29th August 1877). (b)

For witnesses in Mofussil Courts.

II. For the purpose of these Rules, Europeans, East Indians, and Natives shall be divided into three classes; and the Judge or Magistrate before whom they are required to appear either

as

as complainants or witnesses shall be careful to fix the class with due regard to the station in life occupied by each complainant or witness.

III. Travelling allowance and batta shall be paid at the rates specified below:-

	Europeans and East Indians			Natives		
	1st class	2nd class	3rd class	1st class	2nd class	3rd class
Travelling allowance -						
By rail	1st class fare	2nd class fare	3rd class fare	1st class fare	2nd class fare	3rd class fare
By road	8 annas per mile	4 annas per mile	2 annas per mile	6 annas per mile	2 annas per mile	2 annas per 10 miles
By sea or canal	Actual expense of passage			Actual expense of passage		
Batta not to exceed	3 Rupees per diem	1 Rupee per diem	8 annas per diem	1 Rupee per diem	8 annas per diem	4 annas per diem

IV. The distance for which mileage and the number of days for which batta

batta should be allowed for the journey to and from the _____ station at which the Court is held, and for attendance at Court, shall be determined by the Judge or Magistrate ordering the payment in each case.

V. All bills for travelling allowance and batta to complainants and witnesses attending before the Courts of Magistrates of the 2nd or 3rd class shall be scrutinized by the Magistrate of the Division in which such Courts are situated before the charges included in them are finally passed.

VI. Whenever a Magistrate dismisses a case as frivolous or vexatious, under Section 209 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant in such case.

VII. - "The Criminal Courts are authorized to pay the necessary and actual expenses of carriage to a witness travelling by

by road, in the case of persons whose sickness, age, position or habits of life render it impossible for them to walk, provided the expense incurred under this rule shall in no case exceed eight annas a mile.

VIII. – "To Natives and Europeans graded in the first class there may also be allowed the actual cost of carriage-hire to and from Court on the days of attendance at Court."

(C) (Extract from G. O. No. 1909, dated 8th September 1888.)

For witnesses in the Presidency or Town Courts.

III. – The following are the maximum rates which may be awarded to the several classes of witnesses, and no expenses in excess of, or other than, those here provided for, shall be allowed :–

Witnefs	clafs	Subsistence allowance	Carriage hire allowable for days of actual attendance	Travelling expenses, if any, incurred. By rail	By road	By sea or Canal.
Europeans and Eurasians	1st clafs	5Rs per day	3Rs per day	1st class fare	8 annas per mile	Actual expenses of passage.
	2nd do	3 " "	2 " "	2nd "	6 " "	
	3rd do	1½ " "	1 " "	3rd "	4 " "	
Natives	1st "	2 " "	2 " "	1st "	6 " "	
	2nd "	1 " "	1 " "	2nd "	2 " "	
	3rd "	5 annas "	Nil	3rd "	2 annas per 10 miles	

IV.- All disbursements under these rules shall be made by the Commissioner of Police, to whom witnefses coming from the Mofussil should report themselves on arrival at Madras.

V.- Witnefses resident in the Presidency town will be entitled only to such actual expences as they may show to the satisfaction of the Commissioner of Police that they have been obliged to incur in obedience to the process or order of the Courts.

VI. Witnefses sent from the Mofussil will be furnished with a certificate

certificate by the despatching Magistrate showing the class to which they belong, the date of their departure, and the correct distances (if any) to be travelled by road; and unless such certificate is produced before the Commissioner of Police, that officer may disallow all or any of the expenses claimed.

VII.- Mofussil Magistrates may make reasonable advances to witnesses summoned by the High Court or Presidency Magistrates and requiring such advances to enable them to reach Madras, but shall in every such case note the same on the certificate referred to in Rule VI. The Commissioner of Police should also be advised of such advances, and he will refund the amount to the officer making the advance.

VIII. - Whenever it is practicable for witnesses to travel by rail or steamer, they shall be allowed no more than the rates prescribed for those modes of conveyance.

IX.- Subsistence allowance may be paid for the days occupied in travelling to Madras as well as in the return journey. The subsistence allowance at Madras will cease as soon after the conclusion of the inquiry or trial as the means of quitting the town become available.

X.- The expenses of witnesses will be paid on production of a certificate signed by the presiding Magistrate, or, in the case of the High Court, by the Clerk of the Crown, setting forth the inquiry or trial in which their attendance was required and the days on which they attended.

XI.- It shall be competent to the Court before which a witness appears to disallow payment of any expenses on behalf of Government, if for any cause such Court thinks fit to do so.

XII.- The Commissioner of Police will disallow the whole or part of the expenses of any witness for the

defence

defence whose evidence may not seem to him to have been material, unless he is satisfied that such witness has been brought down to Madras against his will and that no compensation for his expenses has been paid or deposited by the defend=ant. This power does not extend to the case of a witness who has been examined and certified by the Court or Magistrate to have been material.

(Sd.) Louis S. Moss
Traffic Manager

Copy
D/ Registrar
D.D. as Registrar

L/6

No 16350 / 1002 of 1-4-95.

Read

SECTION 615

FILE NO. 400/1894-5

SERIAL NO. 2

Letter No 3036/120 dated 10th December 1894, from the Registrar of the Chief Court of Mysore forwarding copy of the Proc: of the Chief Court authorising the payment of batta to the Station Master of the Balghaut Station who attended the Court of the Special Magistrate, Kolar Gold Fields to give evidence in a Criminal case on the file of that Magistrate, and suggesting the desirability of issuing rules similar to those in force in the Madras Presidency regulating the ~~payment of~~ travelling allowance and batta to Rail-

way

way Officials attending
Courts as witnesses.

Order thereon No. 16350
g 1002. 1-4-95.

In approving the
Proceedings of the Chief
Court referred to above,
the Govt observe that,
as it is not likely there
will be many such
cases as those referred
to, the adoption of
the rules in this enquiry
will be unnecessary. Such
claim may be specially
dealt with as has been
done in the present
instance.

1-4-95
General Secretary.

2/4.